



Mayor Michael B. Coleman

BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: # 14310-00000-00510
Date Received: 14 July 2014
Commission/Civic: _____
Existing Zoning: _____ Application Accepted by: JS Fee: \$ 320-
Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

Our client is asking for a variance from C.C. 3332.26 (E) for the existing detached garage being 2.5 feet from the interior lot.

LOCATION

1. Certified Address Number and Street Name 929 Buler Avenue
City Columbus State OH Zip 43206
Parcel Number (only one required) 010-076201

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Sam D. Polityea, Esq. Manley Deas & Kochalski LLC
Address PO Box 165028 City/State Columbus OH Zip 43216
Phone # 614-917-1896 Fax # 614-917-1896 Email sdpolityea@manleydeas.com

PROPERTY OWNER(S):

Name Federal National Mortgage Association
Address PO Box 650043 City/State Dallas TX Zip 75265
Phone # _____ Fax # _____ Email _____
☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☒ Attorney ☐ Agent

Name Sam D. Polityea
Address PO Box 165028 City/State Columbus OH Zip 43216
Phone # 614-917-1896 Fax # 614-917-1896 Email sdpolityea@manleydeas.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Sam Polityea
PROPERTY OWNER SIGNATURE Sam Polityea
ATTORNEY / AGENT SIGNATURE Sam Polityea
Federal National Mortgage Association
By Manley Deas Kochalski LLC
By Paul E. Blevins
Paul E. Blevins, Assistant Secretary

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

14310-00000-00510

929 BULEN AVENUE

One Stop Shop Zoning Report Date: Thu Jul 31 2014

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 935 BULEN AVE COLUMBUS, OH

Mailing Address: 1661 WORTHINGTON RD #100
WEST PALM, FL 33409

Owner: FEDERAL NATIONAL MORTGAG

Parcel Number: 010076201

ZONING INFORMATION

Zoning: 307, Residential, R3
effective 11/9/1942, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: Livingston Area commission

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





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AFFIDAVIT

14310-00000-00510

929 BULEN AVENUE

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Sarah D. Polleyea
of (1) MAILING ADDRESS PO Box 165028, Columbus OH 43216
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at
(2) per ADDRESS CARD FOR PROPERTY
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Federal National Mortgage Assoc.
PO Box 165028
Columbus OH 43216

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

Sarah D. Polleyea, Esq.
614-917-1896

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) Livingston Avenue Area Commission
Clarence Wicks
753 Wilson Ave, Columbus OH 43208

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
Brooklyn R. Yang 928 Buleen Ave. 928 Buleen Ave.

Linda C. Brown 1668 Rainbow PK 1668 Rainbow PK
Melvin P. Nae Harns 1675 Rainbow PK 5989 Effingham Rd. Coll. 43213
Annie + Thomas Hill 1663 Rainbow PK 1663 Rainbow PK

☒ (7) Check here if listing additional property owners on a separate page

SIGNATURE OF AFFIANT

(8)

Sarah Polleyea

Subscribed and sworn to in my presence and before me this

30

day of

June

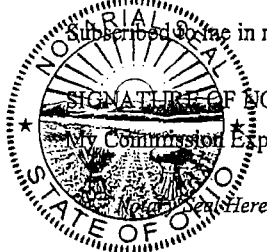
, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8)

Nicholas W. Nighbert
2-1-2019

Notary Public, State of Ohio
My Commission Expires 02-01-2019



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STATEMENT OF HARDSHIP

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929 BULEN AVENUE

APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see attached

Signature of Applicant

San Peltier

Date

6-24-14

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929 BULEN AVENUE

Statement of Hardship
Board of Zoning Adjustment Application

Our law firm was asked by our client to prepare and execute a deed in lieu of foreclosure for the property known as 929 Bulen Avenue, Columbus, OH 43206. This property was formerly owned by Marsha R. Robinson. Our client's mortgage originated April 28, 2005. At that time, the property now known as 929 Bulen Avenue was split into two separate lots known as 929 Bulen Avenue (Lots 118 and 119) and 935 Bulen Avenue (Lots 120 and 121). Our client's mortgage encumbered only 929 Bulen Avenue.

Prior to the execution of our client's mortgage, in 2002, Mrs. Robinson was the joint tenant and the beneficiary of a transfer on death Affidavit for 935 Bulen Avenue from the other joint tenant, which was contiguous to 929 Bulen Avenue. However, that individual did not pass away until 2009, so in 2009, Mrs. Robinson owned both parcels solely in fee simple title.

Prior to the passing of the joint tenant, Mrs. Robinson filed an application with the Auditor to combine both parcels into one parcel and it became commonly known as 929 Bulen Avenue.

Early in 2013, Mrs. Robinson went into default on her mortgage and negotiated to execute a deed in lieu of foreclosure with our client. That deed in lieu of foreclosure mistakenly included the entire parcel of property now known as 929 Bulen Avenue (Lots 118, 119, 120 and 121), when it should have only included the specific property encumbered by our client's mortgage (Lots 118 and 119). Our firm had the property re-surveyed to indicate what should have been deeded to our client pursuant to the deed in lieu of foreclosure.

To correct our mistake and to make sure that the only the property that is encumbered by our client's mortgage is transferred to our client, we filed an Application for a Lot Split with the City on May 29, 2014.

We received the following comment:

Zoning Gail Colvin 645-5581
gacolvin@columbus.gov <mailto:gacolvin@columbus.gov>

With the lot split, zoning compliance would not be met for the required minimum distance of a detached garage from the interior side lot line. C.C.3332.26(E) for minimum side yard permitted for a detached garage from the interior lot line is three feet. The existing detached garage shown on Lot 119 is measured at 2.5' which does not meet this zoning compliance standard.

Our client is asking for a variance for this particular issue because it will cause an unnecessary hardship for our client to re-locate the garage on the property by .5 of a foot in order to be in compliance. Currently, the garage is located 2.5 feet from the property line. Having to relocate it an additional .5 feet or demolish the garage would be expensive for our client to remediate and would cause a loss in property value if our client had to demolish the existing garage on the property. The garage on the property was constructed by the previous owner and has been in

existence during the pendency of her ownership. For our client to now have to remediate this issue would be a hardship and cause unnecessary delay in deeding the portion of the property lawfully owned by Mrs. Robinson back to her.

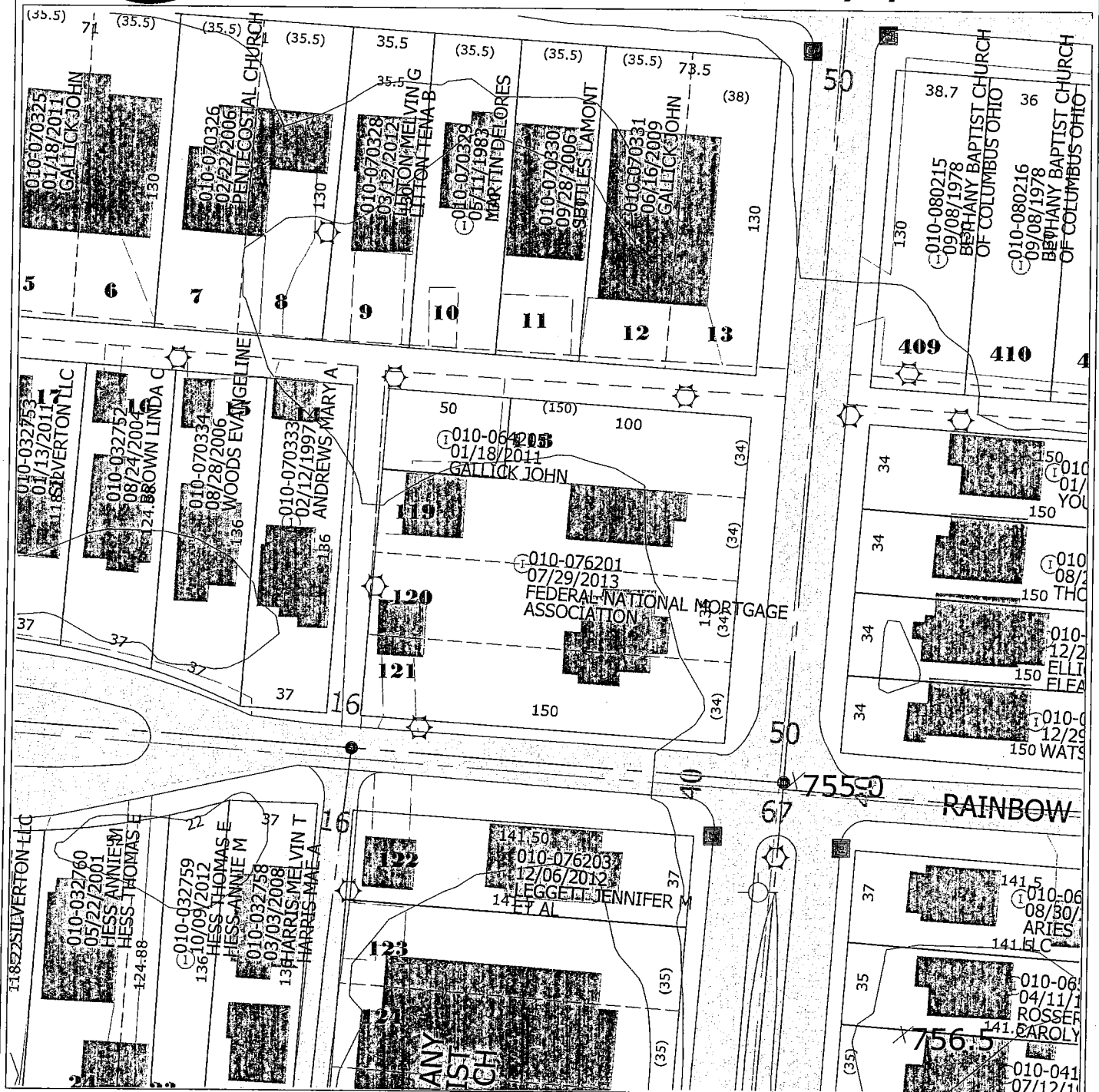
14310-00000-00510
929 BULEN AVENUE



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 7/3/14



Disclaimer

Scale = 60



This map is prepared for the real property inventory within this county survey plats, and other public records and data. Users of this map information sources should be consulted for verification of the information. The county and the mapping companies assume no legal responsibility. Please notify the Franklin County GIS Division of any discrepancy.

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929 BULEN AVENUE

Real Estate / GIS Department

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929 BULEN AVENUE

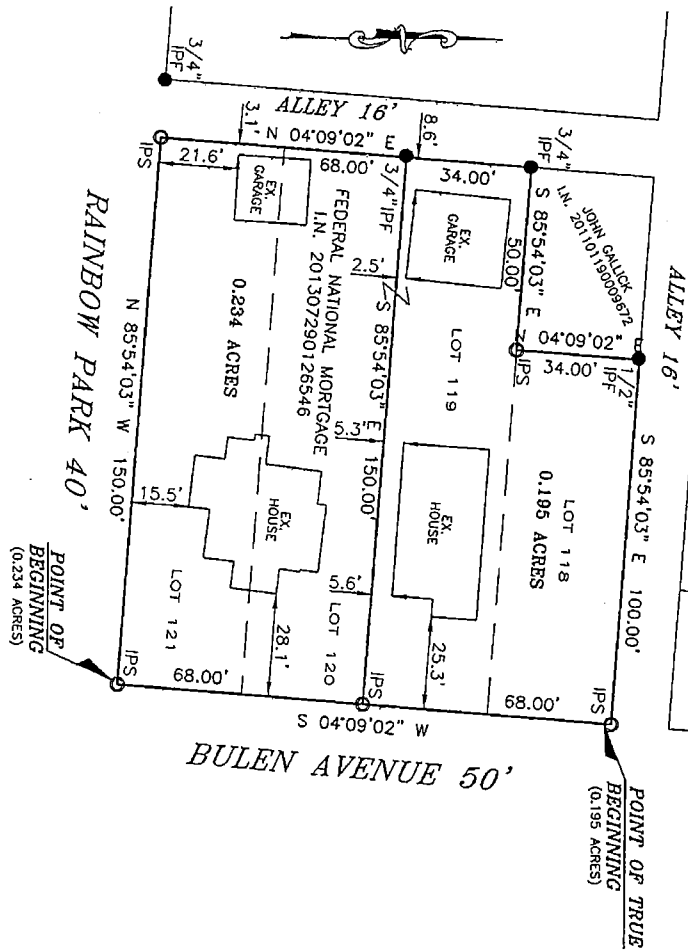
DRAWN BY: LLL

SCOTT D. GRUNDEL, P.S.
REGISTERED SURVEYOR NO. 8047

DATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM
AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION
IN MAY OF 2014 AND THAT IT AND THE INFORMATION,
COURSES AND DISTANCES AS SHOWN ARE CORRECT TO THE
BEST OF MY KNOWLEDGE.

5/27/2014



LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET

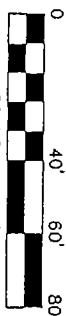
RECEIVED

MAY 27 2014

Franklin County Engineer
Dean C. Ringle, P.E., P.S.

SURVEY OF
0.195 & 0.234 ACRES
LYING IN

BULEN'S LIVINGSTON WHITTIER GARDENS
PLAT BOOK 14, PAGE 2
HALF SECTION 33, SECTION 23, TOWNSHIP 5, RANGE 22,
REFUGEE LANDS
CITY OF COLUMBUS, COUNTY OF FRANKLIN,
STATE OF OHIO



SCALE IN FEET
SCALE: 1"=40'

LS LANDMARK SURVEY
GI GROUP, INCORPORATED
2099 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212
PHONE: (614) 485-9000 FAX: (614) 485-9003
REV: 05/27/2014 FILE NO. 157724

NOTE:

THIS SURVEY DOES NOT REPRESENT ANY EASEMENTS THAT MAY AFFECT
THIS TRACT AND DOES NOT REPRESENT ANY UNDERGROUND UTILITIES
THAT MAY AFFECT THIS TRACT. ALL IRON PINS SET ARE 3/4" I.D. IRON
PIPES 30" LONG, W/ RED PLASTIC CAP STAMPED "LANDMARK SURVEY".

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING
OF 118°54'03" FOR THE NORTHERLY RIGHT-OF-WAY LINE
OF RAINBOW PARK, BASED ON THE OHIO STATE PLANE
COORDINATE SYSTEM SOUTH ZONE 16, 83-07-00N (2011),
TAKEN FROM GPS OBSERVATION ON APRIL 25, 2014.



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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not
provided.

14310-00000-00510
929 BULEN AVENUE

APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS)

deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the
following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is
the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Federal National Mortgage Assoc. PO Box 650043, Dallas, TX
75265

SIGNATURE OF AFFIANT _____

Subscribed to me in my presence and before me this _____ day of _____, in the year _____

SIGNATURE OF NOTARY PUBLIC _____

My Commission Expires: _____

Notary Seal Here

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Revised 11/12 tmt